

Serial No.: 09/981,274
Docket No.: VAS-5627
Amendment dated July 8, 2005
Responsive to Office Action of February 8, 2005

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Claims 1-44 were pending in the application. Applicants have not added any new claims and have canceled claims 2, 3 and 39-44. Therefore, claims 1 and 4-38 are now pending in the application. No new matter has been added by the claim amendment.

CLAIM OBJECTIONS

The Examiner objected to claims 13 and 14 on account of certain informalities. Applicants have amended the claims appropriately to rectify the informalities.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

The Examiner rejected claims 3, 15-16, 25-30 and 44 under 35 U.S.C. 112, second paragraph as being indefinite. Applicants have canceled claims 3 and 44 and, therefore, rendering this rejection as to those claims moot. Additionally, Applicants have amended claims 15-16 and 25-30 to delete claim terms without antecedent basis. Applicants respectfully request that this rejection be now withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-44 under 35 U.S.C. 103 (a) as being unpatentable over Fages et al. (USPN 5,723,012) in view of Mills et al. (USPN 6,652,818) and Kamarei (USPN 4,749,522).

Applicants have amended claim 1 so that claim 1 is now directed to removing prions from soft biological tissue. This claim amendment renders the instant rejection moot. None of the cited references teaches removal of prions from soft mammalian tissue. Therefore, a combination of the references cannot do so either. Accordingly, the claims, as amended, are now in condition for allowance.

Applicants would like to emphasize the importance of removing prions from soft mammalian tissue. Because many bioprosthetics are made from bovine pericardium and because of the fear of "mad cow disease," there is a great need for methods to remove prions from soft mammalian tissue. Please see pages 3 and 4 of the instant application. The present invention fulfills this important need.

Serial No.: 09/981,274
Docket No.: VAS-5627
Amendment dated July 8, 2005
Responsive to Office Action of February 8, 2005

RECEIVED
CENTRAL FAX CENTER

JUL 08 2005

FEES DUE TO FILE THIS AMENDMENT

Prior to the pending Office Action, a fee was paid for the original 44 claims, with 3 of them being independent claims. The amendment has resulted in no additional net claims, and thus no claim fees are believed necessary. However, the Commissioner is hereby authorized to charge deposit Account No. 50-1225 (ECV-5627) for any fees deemed appropriate.

PETITION FOR EXTENSION OF TIME TO RESPOND

Pursuant to 37 C.F.R. 1.136(a), Applicants hereby request an extension of time for 2 Months to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of \$450.00. to Deposit Account No. 50-1225 (Docket No. ECV-5627). A duplicate copy of this sheet is enclosed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (949) 250-6801.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any petition for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225.

Dated: July 8, 2005

Respectfully submitted,

Edwards Lifesciences LLC

By: 

Rajiv Yadav, Ph.D., Esq.

Registration No. 43,999

Edwards Lifesciences LLC

One Edwards Way, Legal Dept.

Irvine, California 92614

Telephone: (949) 250-6801

Facsimile: (949) 250-6850

Customer No. 30452